

**REMARKS**

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this amendment, claims 1-9 and 22-30 are pending in the application. By this amendment, claims 10-21 have been canceled, claims 2-9 have been amended, and new claims 22-30 have been added.

Claims 7-9 are objected to because of minor informalities. Claims 7-9 have been amended for clarity purposes to overcome this objection. Accordingly, withdrawal of the formality type objection is respectfully requested.

Claims 1-3 and 6-9 are rejected under 35 U.S.C. §102(b) by Bryant (U.S. Patent No. 5,724,677). This rejection is respectfully traversed.

The Office Action alleges that Bryant teaches a band body in which at least portions of the band body are made of foamed plastic material. Specifically, the Office Action alleges that the band of Bryant is described as a thermoplastic polymeric material which may include polystyrene (foamed plastic). Applicants respectfully disagree with this assertion.

Col. 5, lines 14-35 of Bryant includes a list of “thermoplastic” materials, in which polystyrene is one example. However, the list merely lists “polystyrene” and does not specify or disclose that such material is a foamed plastic material. Polystyrene, like other materials, may be produced in various forms. Bryant does not expressly describe that the polystyrene is “foamed”. That is, there is no disclosure of a band being formed of a “foamed” plastic material in Bryant. Accordingly, Bryant does support a rejection under §102(b) of a foamed plastic material as recited in claim 1.

Withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2-3 and 6-9 are allowable by virtue of their dependence on claim 1 and additionally allowable for their recitation of additional patentable subject matter.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) over Bryant in view of Madaus et al (US 2004/0025882). The Office Action acknowledges that Bryant fails to teach band body provided with a tensile stiff insert and relies on Madaus to disclose this feature. However, Madaus fails to disclose a tensile stiff insert embedded in a foamed plastic material and including a locking structure uncovered by the foamed plastic material as recited in claim 1. For example,

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the insert 4 of Madaus does not include a locking structure. Accordingly, claims 4 and 5 are allowable by virtue of their dependence on claim 1 and additionally allowable for their recitation of additional patentable subject matter.

New claims 22-30 have been added. Entry and allowance of these new claims is respectfully requested.

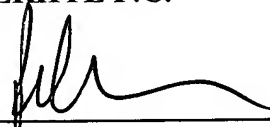
In view of the above amendments and remarks, Applicants respectfully submit that all claims are patentable and that the entire application is in condition for allowance.

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

**NIXON & VANDERHYTE P.C.**

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